Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/633,854	STAMPER ET AL.	
Examiner	Art Unit	
BRANDON JACKSON	3772	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address − THE REPLY FILED 21 October 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. 1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of it application, applicant must timely file one of the following replies; (1) an amendment, afficiavit, or other evidence, which places application in condition for allowance; (2) a Notice of Appeal (in a paper and in ordination for 1) and in ordination for allowance; (2) a Notice of Appeal in ordination and the ordination of the following time of the following discount of the following time o		BRANDON JACK	SON	3112	
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application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places it application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.13; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods: a) The period for reply expires	THE REPLY FILED 21 October 2008 FAILS TO PLACE THIS A	APPLICATION IN CO	ONDITION FO	R ALLOWANCE.	
b)	application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Appe for Continued Examination (RCE) in compliance with 37 C	replies: (1) an amen eal (with appeal fee)	ndment, affidavi in compliance	t, or other evidence, v with 37 CFR 41.31; o	which places the r (3) a Request
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Notic: fbox 1s chocked, chock either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TMONTHS OF THE FINAL REJECTION. See MPEP 706 07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the file. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the filed. The appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the filed of the filed filed of the filed filed for the filed fil	a) The period for reply expiresmonths from the mailing	date of the final rejec	tion.		
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Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues the Eigorn/Schroer does not disclose a device coupled to the two link system, as taught by claim 1. However, the comoplaint link, as taught by Schroer is the device that connects the links and casues the links to simultaneously adapt to changes in geometery of the head without manual intervention. Applicant argues there is no motivation to combine Eigorn and Schroer because Eigorn already disclsoes an adjustment mechnism, however, the Schoer adjustment mechanism is simpler and easier to use. applicant argues the modification would render the Eigorn device unsatisfactory for its intended perpose, however, Applicant fails to give a reason why it would render is unsatisfactory. Applicant argues that pins (25) are not rigidly connected to the links, however, when nut (200) is tightened upon shaft (112) of the pin (25), the pin is then rigidly coupled to the link, because after the nut is tightened the pin (25) is no longer moved and the device is used for treatment. Applicant argues, with respect to claim 5, that Eigorn/Schroer does not discloses the climed invention because Examiner has not defined the fourth link as the compliant link in the device. However, claim 5 was accidentally included in the statement of claims rejected. The Office Action does not address claim 5, because it was withdrawn by Applicant as being drawn to a non-elected invention. A supplmental action, including the correction is enclosed. Applicant argues the Eigorn/Schroer device does not teach a force applicator for simultaneaously applying force to the links. However, the spring (25) of compliant link (20), taught by Schroer, is the force applicator that apply force to each link simultaneously. Spring (190) just happened to be another means of force application. Applicant claims the calim 26 contains means-plus-function format under 35 USC 112, paragraph 6. However, to properly envoke means-plus-function, Applicant's specification must explicitly state what the means for is. However, Applicant's specification fails to disclose what the means for simultaneously adapting the link system to changes in the geometry of the head without manual intervention. Therefore, it is assumed that the means for is the same as the device and compliant link in the other claims that allows the device to simultaneously adapt to changes in the geometry of the head.